

the Acts of Assembly passed February 6, 1730-31, Chapter 323; January 27, 1749-50, Chapter 383. Repealed by Act passed April 9, 1760, Chapter 456.

CHAPTER CCXLVII.

AN ACT FOR THE WELL TANNING AND CURRYING OF LEATHER, AND REGULATING OF CORDWAINERS, AND OTHER ARTIFICERS, USING AND OCCUPYING LEATHER WITHIN THIS PROVINCE.

Whereas very great abuses have been committed by tanners, cutters and other persons, using and working of leather within this government, and the prices of leather become very exorbitant and burdensome to the people of this province: To the intent therefore that a reasonable and indifferent course for the true and well tanning, currying and working of leather, may be from henceforth established and appointed, and yet the persons using the several crafts and mysteries aforesaid may not be more strictly bound or limited than the necessary regard of the welfare and general commodity of all His Majesty's subjects within the said province requireth:

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That from and after the twenty-fifth day of November next, in this present year of our Lord one thousand seven hundred and twenty-one, if any person or persons using, or which shall use, the mystery or faculty of tanning, or any person or persons importing, or who shall import, any leather into this province, shall at any time or times hereafter offer or put to sale any kind of leather which shall be insufficiently and not thoroughly tanned, so that the same, by the triers of leather lawfully appointed by virtue of this present act, for the time being, shall be found to be insufficiently not thoroughly tanned, that then all and every such person and persons so offending shall forfeit such leather, as shall be found insufficiently and not thoroughly tanned, unless the party importing the same will give

security to the triers, to be appointed by virtue of this act, to export the said leather, so imported and being insufficiently tanned, without working or manufacturing, or causing the same to be wrought or manufactured, in this province.

[Section II.] And be it further enacted, That no person or persons, using the mystery of tanning leather by him or themselves, [or] any other person or persons, from and after the twenty-fifth day of November next, in the year of our Lord aforesaid, shall, during the time that he or they shall use the mystery of tanning, occupy or use the mystery of a shoemaker or currier, or any other artificer, using or exercising the cutting or working of leather, upon pain to lose and forfeit all and every such hide and hides, skin and skins so by them or any of them wrought or curried, during the time that he or they shall use the mystery or craft of tanning, or the just value thereof.

[Section III.] And be it further enacted, That no person or persons whatsoever, after the twenty-fifth day of November aforesaid, shall buy or make any contract for any unwrought hides or calfskins in the hair, but only such person or persons as useth the trade or mystery of a tanner, or shall tan or taw the same, except such persons as shall purchase them to be tanned for their own private use, or shall purchase salt or raw hides for any person's private use, or the necessary use of ships or vessels going to sea.

[Section IV.] And be it further enacted, That it shall not be lawful for any person or persons to lade, ship or carry, in any ship or vessel, entering and lading in any port of this province, any leather or raw hides, with intent to transport or carry the same into any place or places out of this province, except such as may be carried to the province of New Jersey, and counties of Newcastle, Kent and Sussex upon Delaware, to be wrought up there, and except leather imported into this province, upon pain of forfeiture of the said leather or raw hides, so laden or transported, and treble the value thereof, to be forfeited by the owner or owners thereof. And if no owner can be found, then the person, in whose custody or possession the same shall be found, to incur the like penalty of the treble value as aforesaid. And the owner or owners of the said ships or vessels knowing of such offense, and not discov-

ering the same, shall forfeit three times the value of the leather and hides so shipped or exported. And the master and mariners knowing of such offense, and not discovering the same, shall forfeit the treble value as aforesaid, or be imprisoned for any time, at the discretion of the justices of the court of quarter-sessions, not exceeding six months, without bail or main-prise.

[Section V.] And be it further enacted by the authority aforesaid, That from and after the twenty-fifth day of November, in the present year of our Lord one thousand seven hundred and twenty-one, no tanner or tanners, person or persons whatsoever, within this province, shall sell for, or take or receive of, any person or persons whomsoever, within this province, above the rate of nine-pence, current money of America, for a pound of well tanned leather, and so proportionably for a greater quantity, on penalty of forfeiting the said leather, and one shilling for every pound so sold above the rate aforesaid.

And that no person or persons within this province shall, by any means, occupy or put in any made wares any curried leather before the same shall be searched and allowed by the sealers or searchers, according to the directions of this act, to be well and sufficiently curried; and that every shoemaker and other artificer and cutter of leather shall forfeit for every hide or skin so used or occupied, without sealing and searching as aforesaid, the sum of ten shillings, and the value of such hide or skin so used or occupied.

[Section VI.] And be it further enacted by the authority aforesaid, That no person occupying the trade or mystery of a shoemaker, shall make or cause to be made any boots, shoes or slippers for sale, but of leather well and truly tanned and curried, and well and sufficiently sewed with good thread, well twisted and made, and well waxed; nor shall mingle the over-leathers, (that is to say) part of the over-leather being of neats-leather, and part of calves-leather; nor shall put into any boots, shoes or slippers for sale, any leather made of sheepskin, bull-hide or horse-hide; or into the upper leather of any shoes or slippers, or into the inner part of any boots (the inner part of

the shoe excepted) any part of any hide from which the sole-leather is cut, called "the womb's neck, shank, flank, powle or cheek," upon pain of forfeiture of all such [shoes,] boots and slippers, to be divided and applied [in] manner directed by this act.

And that no shoemaker, or other person, shall take or receive above the rate of six shillings and six pence for a pair of good well-made men's shoes, and five shillings for a pair of good, plain, well-made women's shoes; and so proportionably for all smaller shoes for any person above four years of age, according to their several sizes; to be set and rated by the mayor and aldermen of the city of Philadelphia, in their quarterly court of record, and by the justices of the respective counties within this province, in their respective general quarter-sessions of the peace, on pain of forfeiting all such shoes, as shall be sold above the rates in this act directed and limited, and above the several rates that shall from time to time be set and rated by the aforesaid mayor and aldermen, and the said justices in their respective [courts of] quarter-sessions, in manner before mentioned.

[Section VII.] And be it further enacted, That the mayor and aldermen of the city of Philadelphia, for the time being, and the justices of the several courts of quarter-sessions of the peace for the counties of Philadelphia, Chester and Bucks, upon the penalty of forty pounds, to be [recovered and] employed as other forfeitures in this act mentioned, shall, at their next respective courts of quarter-sessions, to be held after publication of this act, and afterwards once in every two years, or oftener if need be, nominate and appoint one or more honest and skillful [person or] persons, of their respective cities and counties, who shall be sealers, and keep a seal to be prepared by the directors of the said justices for the sealing of leather; which sealers and searchers shall also be sworn or affirmed before the mayor and aldermen aforesaid, and before the justices of the said general quarter-sessions of the peace, in their respective cities and counties, to do their office of sealers and searchers of leather truly; which said sealers and searchers shall view and search all leather,

and finding it sufficiently and thoroughly tanned and dried, shall seal the same with the said seal; for which the said sealer and searcher shall receive of the owner or owners of such leather, for every dicker of hides so searched and sealed, one shilling, and for every single half-dicker, eight pence, and for any less number than half a dicker, two pence per hide; and four pence for every dozen of calfskins, by him so sealed. And that no sealer and searcher shall continue above two years in his office aforesaid at one time. And that the said searchers and sealers shall and by this act are empowered to enter into any tanyard, shop, or other house or place whatsoever, and search for leather tanned or occupied, and for shoes, boots, slippers, saddles and all other wares, made for sale, contrary to the directions and true intent and meaning of this act; and in case of opposition or refusal, to break open doors and other obstacles, and the same leather or wares to seize; and after seizure, to bring the same to the mayor of the city of Philadelphia, and to any of the justices of the counties aforesaid respectively, who shall forthwith appoint three honest and skillful persons to be triers, who shall openly, in some market place or public place, try whether the same leather, boots, shoes or other wares, so seized, be sufficient and according to the true intent and meaning of this act, which said trial shall be made upon the oath or affirmation of the triers; and if the same be found insufficient, then the said leather, shoes, boots, slippers and other wares shall be forfeited and appraised, and disposed of as the said mayor and aldermen of the city of Philadelphia, and justices of their next respective courts of quarter-sessions in their several counties, shall direct. And no person or persons shall buy any forfeited wares to sell again, on pain of forfeiting three times the value thereof. And every person or persons resisting the said searcher or searchers in any part of their duty enjoined them by this act shall forfeit the sum of twenty pounds, to be recovered and applied in the manner and to the uses in this act directed.

[Section VIII.] And be it further enacted by the authority aforesaid, That any person or persons, or officer, sued for anything done by virtue or in pursuance of this act, may plead the

general issue, and give this act and other special matter in evidence; and if the prosecutor shall be cast or become nonsuit, he shall pay treble damages to such person or officer, to be recovered in any court of record within this province, by action of debt, bill, plaint or information.

[Section IX.] And be it further enacted, That no currier shall refuse or neglect well and sufficiently to curry leather within six days in summer, and twelve days in winter, after he shall or may take it in hand; nor shall curry any hide or skin not sealed by the officer appointed by this act, on pain to forfeit for every hide or piece of leather not curried accordingly fifteen shillings. And that the said searchers and sealers who shall travel from the place of his or their habitation above one mile, to search or seal any leather, shall be allowed and paid, by the tanner or owner of such leather, three pence for each mile. And that the said sealers and searchers, to be appointed by virtue of this act, shall, upon request made unto them, forthwith search and seal all such leather as shall be sufficiently tanned, which shall be brought unto them respectively, or which shall be within the city of Philadelphia; and shall, within one day after request made unto them, go to any tanyard or other place, to search and seal leather sufficiently tanned, on pain to forfeit forty shillings for each willful neglect, which penalty, with all others mentioned in this act, not otherwise appropriated, shall be, one moiety to the governor, for the support of government, and the other moiety to the person or persons that will inform or sue for the same. And that the recovery of all forfeitures and penalties under forty shillings shall be heard and determined by the mayor, or any one or more of the aldermen of the city of Philadelphia, and by one or more of the justices of the respective counties, out of sessions. And that all forfeitures and penalties, above the value of forty shillings, shall be recovered in any court of record in this province, by bill, plaint or information, wherein no essoin, protection or wager of law, nor any more than one imparlance, shall be allowed.

Provided nevertheless, That this act, or anything therein contained, shall not extend to the prohibiting the exporta-

tion of boots, shoes, slippers, saddles and other wares, manufactured and made of leather within this province.

Provided also, That it shall and may be lawful for any person or persons to export tanned leather out of this province, when the price does not exceed eight pence per pound, a permit being first had and obtained, for which there shall be paid one shilling and no more, by the exporter or owner of such leather, from the mayor and two of the aldermen of the city of Philadelphia, for the said city, and from three or more justices of the peace for the respective counties of Philadelphia, Chester and Bucks, certifying the common price of well tanned leather, not to be nor [to] have been above eight pence for at least one month before the date of such permit; which permit shall be granted for no longer time than the space of one month; and if the same be granted for any longer time, or in other manner than in this act directed and limited, the same shall be void, and the parties concerned in the exportation of such leather shall be liable to all the penalties of this act, as if no such license or permit had ever been granted.

[Section X.] And be it further enacted by the authority aforesaid, That if any butcher, or other person, shall gash, slash or cut, any hide of any ox, bull, steer, cow or calfskin, in slaying thereof, or otherwise, so as the same shall be impaired or hurt, and shall expose or offer the same to sale, such offender shall forfeit two shillings for every such hide of ox, bull, steer or cow, and six pence for [every] calfskin.

And if any person shall offer or expose to sale any putrified hide or skin, such person shall forfeit for every such hide, so offered for sale, three shillings, and for every such skin nine pence; one-half of which forfeitures shall be paid to the tanner or person purchasing such hides and the other half to the overseers of the poor of the city or county where such hide shall be cut, slashed, gashed or exposed to sale.

Passed August 26, 1721. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and the Acts of Assembly passed March 21, 1772, Chapter 657; February 26, 1773, Chapter 677. Repealed by Act passed March 20, 1810, P. L. 183.